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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,085	06/13/2007	Patrick Linder	635.46417X00	5884
20457	7590	12/31/2008	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP			WILLIAMS, DON J	
1300 NORTH SEVENTEENTH STREET				
SUITE 1800			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22209-3873			2878	
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			12/31/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/589,085	LINDER, PATRICK	
	<b>Examiner</b>	<b>Art Unit</b>	
	DON WILLIAMS	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 August 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>8/11/06; 1/4/07</u> .	6) <input type="checkbox"/> Other: ____ .

## DETAILED ACTION

### ***Claim Objections***

Claims 1-25 are objected to because of the following informalities: Reference numbers inside parenthesis should be removed.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by J.U. White (3,004,465).

As to claim 1, White discloses (fig. 1, fig. 2) having a first mask (48, 50) and a prism unit (26) wherein the first mask (48, 50, 30) exhibits a plurality of first apertures (40, slits) wherein there is a second mask (48, 50, 30) having second apertures (40, slits), the prism unit (26) being arranged between the two masks (48, 50, 30), the first mask (48, 50, 30) and the second mask (48, 50, 30) exhibiting corresponding first and second apertures (40, slits) and forming an aperture pair (40, slits), and wherein there is a prism (26) in the prism unit (26) for at least one aperture pair (40, slits), (column 3, lines 25-47, lines 65-75, column 4, lines 42-46).

As to claim 2, White discloses (fig. 1, fig. 2) each first aperture (40, slit) in the first mask (48, 50, 30) there is at least one second aperture (40, slit) in the second mask (48, 50, 30), (column 3, lines 25-47, lines 65-75, column 4, lines 42-46).

As to claim 3, White discloses (fig. 1, fig. 2) the first mask (48, 50, 30) is fixed relative to the prism unit (26) and the second mask (48, 50, 30), in relation to one of the first mask (48, 50, 30) and the prism unit (26), is displaceable substantially laterally with respect to the first mask (48, 50, 30) with the aid of at least one displacement unit (41), (column 3, lines 25-47, lines 65-75, column 4, lines 42-46).

As to claim 4, White discloses (fig. 1, fig. 2) the first mask (48, 50, 30) is fixed relative to the second mask (48, 50, 30) and the prism unit (26), in relation to one of the first mask (48, 50, 30) and the second mask (48, 50, 30), is displaceable substantially laterally with respect to the second mask (48, 50, 30) with the aid of at least one displacement unit (41), (column 3, lines 25-47, lines 65-75, column 4, lines 42-46).

As to claim 5, White discloses (fig. 1, fig. 2) the at least one displacement unit (41) is arranged to the side of the unit (48, 50) to be displaced, (column 3, lines 45-47, column 4, lines 42-46).

As to claim 6, White discloses (fig. 1, fig. 2) the at least one displacement unit (41) comprises a piezounit (41), (column 3, lines 45-47).

As to claim 7, White discloses (fig. 1, fig. 2) that there are provided adjustable masks (48, 50) near the ends of the entrance slits, which may be slid up and down to adjust the balance between the chopper areas so that the scattered light reaching the detector through the compensating slots constitutes two displacement units, one being

a piezoelement and the other being a viscous spring element, (column 4, lines 42-45).

As to claim 8, White discloses (fig. 1, fig. 2) the at least one displacement unit (41) is selected from the group consisting of a microlinear motor, (column 3, lines 45-47).

As to claims 9, 10, 11, White discloses (fig. 1, fig. 2) the prism unit (26) which can be formed or made from any of the elements as claimed, (glass, crystalline NaCl; polymers; crystals; precious stones including diamonds; quartzes; neodymium), (column 1, lines 16-18, column 3, lines 24-27).

As to claim 12, White discloses (fig. 1, fig. 2) the first mask (48, 50, 30) and the second mask (48, 50, 30) are selected from the group consisting of slit masks (48, 50, 30) and hole masks (48, 50, 30), (column 3, lines 25-47, lines 65-75, column 4, lines 42-46).

As to claim 13, White discloses (fig. 1, fig. 2) the side walls of the slit masks (48, 50, 30) forming the slits (slits, 40) and the side walls of the hole masks (48, 50, 30) forming the holes (slits, 40) are one of conically shaped and in the shape of a truncated cone, (column 3, lines 25-47, lines 65-75, column 4, lines 42-46).

As to claim 14, White discloses (fig. 1, fig. 2) the first mask (48, 50, 30) exhibits first apertures (40, slits) that are smaller on the side of the prism unit (26) than on the opposite side, (column 3, lines 25-47, lines 65-75, column 4, lines 42-46).

As to claim 15, White discloses (fig. 1, fig. 2) the second mask (48, 50, 30) exhibits second apertures (40, slits) that are smaller on the side of the prism unit (26) than on the opposite side, (column 3, lines 25-47, lines 65-75, column 4, lines 42-46).

As to claim 16, White discloses a first mask (48, 50, 30) and a prism unit (26), wherein the first mask (48, 50, 30) exhibits a plurality of first apertures (40, slits), wherein there is a second mask (48, 50, 30) having second apertures (40, slits), the prism unit (26) being arranged between the two masks (48, 50, 30), the first mask (48, 50, 30) and the second mask (48, 50, 30) exhibiting corresponding first and second apertures (40, slits) and forming an aperture pair (40, slits), and wherein there is a prism (26) in the prism unit (26) for at least one aperture pair (40, slits) and said arrangement further including a photosensitive layer (34), the photosensitive layer (34) being arranged adjacent to the second mask (48, 50, 30), (column 3, lines 25-47, lines 65-75, column 4, lines 42-46).

As to claim 17, White discloses (fig. 1, fig. 2) the photosensitive layer (34) comprises at least one of phototransistors (34) and image sensors (34), (column 3, lines 25-30).

As to claim 18, White discloses (fig. 1, fig. 2) the photosensitive layer (34) comprises an image sensor (34) of the charge-coupled device type (34), (column 3, lines 25-30).

As to claim 19, White discloses (fig. 1, fig. 2) a first mask (48, 50, 30) having first apertures (40, slits), a prism unit (26) and a photosensitive layer (34), the prism unit (26) being arranged between the first mask (48, 50, 30) and the photosensitive layer (34), and the photosensitive layer (34) comprehending at least three regions in which the incident light is measurable, the light falling on the at least three regions originating from the same first aperture (40, slits), (column 3, lines 25-47, lines 65-75, column 4, lines

42-46).

As to claim 20, White discloses (fig. 1, fig. 2) a detector (34) which constitutes measuring red light in a first region, green light in a second region, and blue light in a third region, (column 3, lines 25-30).

As to claim 21, White discloses (fig. 1, fig. 2) the first mask (48, 50, 30) is of the hole mask type (48, 50, 30), (column 3, lines 25-47, lines 65-75, column 4, lines 42-46).

As to claim 22, White discloses (fig. 1, fig. 2) light is measurable in a further region via detector (34) into which ultraviolet light falls, (column 3, lines 24-27).

As to claim 23, White discloses (fig. 1, fig. 2) light is measurable in a further region via detector (34) into which infrared light falls, (column 3, lines 24-27).

As to claim 24, White discloses (fig. 1, fig. 2) the first mask (48, 50, 30) is of the mask type with side walls forming holes (40, slits) as said first apertures (40, slits) in the form a truncated cone, (column 3, lines 25-47, lines 65-75, column 4, lines 42-46).

As to claim 25, White discloses (fig. 1, fig. 2) the first apertures (40, slits) of the first mask (48, 50, 30) are smaller on the side of the prism unit (26) than on the opposite side, (column 3, lines 25-47, lines 65-75, column 4, lines 42-46).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DON WILLIAMS whose telephone number is (571)272-8538. The examiner can normally be reached on 8:30a.m. to 5:30a.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Don Williams/  
Examiner, Art Unit 2878

/Kevin Pyo/  
Primary Examiner, Art Unit 2878